

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed on October 30, 2007. Claims 1-3 and 5-7 are pending. Claim 1 has been amended. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 103 over U.S. Pat. No. 5,354,629 to Kuroda in view of the Background Section of the present specification (APA) and further in view of U.S. Pat. No. 4,482,615 to Rosansky. Claim 1, as amended, sets forth “insulation tape attached to only a second side of said anode opposite said anode tab.” Kuroda discloses tape attached to the same side of the anode as the anode tab in certain embodiments and tape attached to both sides of the anode in other embodiments. However, Kuroda fails to disclose any embodiment in which the tape is only on an opposite side of the anode from the anode tab, as recognized by the Examiner on page 4 of the October 30, 2007 Office Action. APA and Rosansky fail to remedy this deficiency of Kuroda.

With regard to a rejection under 35 U.S.C. § 103(a), a *prima facie* case of obviousness requires that the references “teach or suggest all the claim limitations.” See MPEP 2143.03. In this instance, the combined disclosures of Kuroda, APA, and Rosansky fail to disclose “insulation tape attached to only a second side of said anode opposite said anode tab.” Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness. For this reason alone, Applicant requests that the rejection be withdrawn.

As discussed in the Background of Applicant's specification, insulating tape in contact with the anode tab renders the covered portion of the anode tab inactive because the tape is not porous. Applicant attaches the anode tab to the anode without the use of tape (e.g., by crimping). The tape is located on the opposite side of the anode from the anode tab and, consequently, is not used to attach the anode tab to the anode. This distinction is now claimed.

CONCLUSION

Applicant has made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicant does not believe any fees are due in connection with filing this communication other than a one-month extension of time. If, however, additional fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

/William R. Allen/
William R. Allen, Reg. No. 48,389

2700 Carew Tower
441 Vine Street, Suite 2700
Cincinnati, OH 45202
(513) 241-2324 (voice) (513) 421-7269 (facsimile)